GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:3061
ANSWERED ON:05.12.2016
Impact of Trade Agreement on Access to Generic Medicines
Panda Shri Baijayant "Jay"

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether any impact assessment study has been undertaken to study the consequences of the European Commission"s IP text on availability of access to affordable generic medicines from/ in India and if so, the details thereof;
(b) whether the Government has made any assessment to see if the working draft text of EU- India FTA is aligned with public health safeguards in the Indian Patent Law and if so, the details thereof; and
(c) whether the Government is considering to accept the provisions on inclusion of border measures that would increase the likelihood of wrongful searches, seizures of drug shipments and actions against legitimate suppliers of generic medicines and if so, the details thereof?

Answer

a) No such studies have been undertaken by the Department of Commerce.

b) & (c) : India's negotiating stance is determined by domestic law and TRIPS. Both of these provide adequate safeguards in respect of Public Health. India, as a matter of policy, always opposes any provisions that provide for wrongful searches, seizures of drug shipments and actions against legitimate suppliers of generic medicines, as this is in violation of TRIPS Agreement, both in WTO and WHO.
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